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Recent Additions to the Collection - Spring 2005: A Guide to the Exhibit

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THE DANIEL R. COQUILLETTE RARE BOOK ROOM

RECENT ADDITIONS TO THE COLLECTION – SPRING 2005: A GUIDE TO THE EXHIBIT

The Boston College Law Library is pleased to display for the first time a selection of rare books and other materials it has recently acquired. Featured in these cases are many of the books likely to have been owned and used by a seventeenth-century practicing common lawyer – not necessarily a “typical” lawyer’s library, but rather the library of a particularly wealthy and learned practitioner. Taken together with books donated in prior and future years, the collection when complete will form an unsurpassed working seventeenth-century law library.

As part of a working lawyer’s library, these books were not intended merely to decorate a lawyer’s shelf. They were designed to be useful, and to make the law and legal procedure accessible to lawyers of the time. In the seventeenth century, English lawyers grappled with the developing law of contracts, commercial law and the new area of environmental protection. Many of the works on display here reflect these areas of study and practice.

The seventeenth-century books on exhibit are complemented by eighteenth- and nineteenth-century books and legal documents that show the continuity of Anglo-American legal theory and practice over the centuries.

As in years past, once again the Boston College Law Library is indebted to generous faculty members and friends who have donated many of the works displayed here and others as well. The Boston College Law School and the Law Library are grateful to Professor Daniel R. Coquillette for continuing to donate his remarkable collection of rare law books, and to Robert E. Brooker III for donating his collection of early American legal and land use documents.

The exhibition is loosely organized by themes. It begins in the large flat wooden case to the right of the front door, continues clockwise around the room, and finishes in the large flat wooden case to the left of the front door. The exhibit was curated by Karen Beck, Legal Information Librarian and Curator of Rare Books. It will be on view through June 2005.

First Flat Wooden Case (Labeled Cabinet I):

SEVENTEENTH-CENTURY LAW PRACTICE

One of the special features of the books on exhibit here is that they were all essential to a seventeenth-century lawyer’s daily work. Beginning in this case and continuing in the wall cabinets to your right, the books are arranged in the order that a lawyer would consult them to begin a legal action. The seventeenth-century books in this case are supplemented by several more recent books and documents that owe a debt to these early works.

STEP I: THE WRIT

Every action had to be commenced with the correct writ. If a lawyer used the wrong writ, or did not follow the exact wording of the writ, his case was thrown out of court. To select the correct writ, lawyers consulted collections of writs which were arranged by subject, sometimes alphabetically. A common title for these collections was *Natura Brevium*, or the *Nature of Writs*.

REGISTRUM OMNIUM BREVIUM

London, Printed by the assigns of John More, 1634.

Opened to a beautifully ornate title page, this book features a handsome early leather binding with gilt ornamentation on the front and back covers.

Gift of Daniel R. Coquillette.

WILLIAM WEST, *THE FIRST PART OF SYMBOLEOGRAPHY: WHICH MAY BE TERMED, THE ART, OR DESCRIPTION, OF INSTRUMENTS AND PRESIDENTS*

London, Printed by the Assignes of John More, 1632.

A classic collection of legal forms. The book is opened to the last page of the Table, which shows that a sample contract for the sale of a ship can be found in section 658 of this volume. On the page following the Table, on the right (recto) side, the author describes “What Symbolæography is: Symbolæography is an Act of cunning, rightly to forme & make written Instruments.” He goes on to explain that the First Part contains sample forms that show lawyers how to draft contracts, wills and other documents for issues not yet in controversy.

Gift of Daniel R. Coquillette.

WILLIAM WEST, *THE SECOND PART OF THE SYMBOLEOGRAPHY*

London, Printed for the Companie of Stationers, 1618.

The Second Part (exhibited closed) contains forms to commence a litigation, recover fines, and handle other legal disputes. Both Parts feature their original seventeenth-century bindings.

Gift of Daniel R. Coquillette.

ANTHONY FITZHERBERT, *THE NEW NATURA BREVIUM*

London, Printed by John Streater and others, 1666. English translation by William Hughes, with table by William Rastell.

This book is an updated version of the *Natura Brevium* (sometimes called the *Old Natura Brevium*), translated into English. It is as easy to use today as it was three and a half centuries ago. It begins with a list of writs contained in the volume, followed by an extensive alphabetical table that directs lawyers to the correct writ. For example, this book is opened to an explanation of the Writ upon the Statute of 23 Ed. 3, which pertains to the treatment of servants. At the lower third of page 406, shown here, Fitzherbert gives the form of the writ to use when a master wishes to compel the services of someone who “hath not Lands nor Tenements to live upon, nor

other Art or Trade.” The writ, written in Latin and printed in italics, follows at the very bottom of the page. On pages 408-09 (not shown), Fitzherbert lists other conditions of the statute, such as: “An Infant of 12 years of age shall be bound by his Covenant to serve in Husbandry” . . . “He who hath not sufficient Lands of his own to occupy, shall be compelled to serve” . . . “And keeping from the Servant meat and drink, is a good cause for his departure from his service” . . . “If the Masters Wife do beat the Servant, it is a good cause for the Servant to depart and leave his service.”

Gift of Daniel R. Coquillette.

ANTHONY FITZHERBERT, *LA NOVEL NATURA BREVIUM*

London, Printed for the Companie of Stationers, 1616.

An earlier edition, written in Law French. Exhibited closed.

Gift of Daniel R. Coquillette.

INDENTURED SERVANT CONTRACT
New York, 1797.

Moving ahead to 1797 America, we still see the influence of the English statute and writs governing servants in this contract that bound four-year-old Benjamin Evans, “a Pauper apprentice to Nicholas Hoffman” of Shawangunk, New York. Benjamin was to live with Hoffman until age 21 and was to “well and faithfully serve his Master in all lawful business according to his wit power and ability and shall honestly and orderly in all things behave and demean himself toward his said Master during said term.” In return, Hoffman agreed to teach the boy to read and write, and to provide him with “competent and sufficient meat drink apparel washing and lodging.”

Gift of Robert E. Brooker III.

THE ENGLISH PLEADER, BY A GENTLEMAN OF LINCOLN’S INN

First edition. London: In the Savoy, Printed by Nutt & Gosling, 1734.

Arranged like its predecessor the *Natura Brevium*, this collection of legal forms and declarations is opened to a “Declaration for depriving the Plaintiff of ancient Path or

Way.” In this sample declaration from 1733, one William Grove sued James Reed for 20 Pounds for depriving Grove of access to a parcel of land called Cow-Leaze, which Grove “for Time Immemorial” was accustomed to use “to drive all manner of Cattle at his own Liberty.”

EASEMENT

American, probably 1844.

Moving forward once again across time and continents, this small document illustrates America’s links to English law and the legal forms found in the *Symbolæography* and the *Natura Brevium*. In this easement the parties sought to avoid a dispute similar to the one that brought Grove and Reed to court as described in the *English Pleader*. Here, the author writes that “J. Burrell & others have the previlage to go pass & repass on the old cart way too and from their land forever. N.B. the old cart way by the house to be keep open forever.” Though it looks like an informal document, handwritten in pencil, it still preserves the language found in the earlier books of writs and pleadings.

Gift of Robert E. Brooker III.

THESAURUS BREVIUM. A COLLECTION OF APPROVED FORMS OF WRITS

Second edition. London, Printed by W. Rawlins and others, 1687.

Exhibited closed. Note how a former owner of the book wrote the title “Thes. Brev.” on the fore-edges of the book’s pages.

Gift of Daniel R. Coquillette.

REGULA PLACITANDI: A COLLECTION OF SPECIAL RULES FOR PLEADING

First edition. London, Printed by the Assigns of Ric. and Edw. Atkyns, 1691.

This small volume, exhibited closed, directed the daily activities of a seventeenth-century lawyer; it gave him the rules for pleading an action. Such procedural rules remain essential today, and many of the terms listed in the Table of Contents are still in use: continuance, rejoinder, rebuttal, estoppel, interpleading, demurrer, and error. Presaging judges and civil procedure professors by several hundred years, the author in the Preface exhorted that “to have the Science of

good Pleading, in Actions Real and Personal, is one of the most Honourable and Laudable Things in our Law; And therefore he Counsels us especially to employ our Courage and Care to Learn it.”

Gift of Daniel R. Coquillette.

WRIT

Portsmouth, New Hampshire, 1804.

This American writ of attachment again shows its debt to English legal forms and practice from centuries before. Here, Judge William Parker directs the Sheriff to attach the property or person of Samuel Nutting and bring him before the court to answer Jacob Rowell in an action on a plea of the case for a debt of \$6.66.

Gift of Robert E. Brooker III.

First Wall Cabinet (Labeled Cabinet II):

STEP 2: CHOOSE THE PROPER COURT

After using a *Natura Brevium* to select the proper writ, a seventeenth-century lawyer’s next task was to bring his action in the correct venue. Seventeenth-century England had many courts, including the Court of King’s Bench, Court of Common Pleas, Court of Exchequer and others, and without some guidance a lawyer could easily bring an action in the wrong court. Lawyers consulted Crompton, Kitchin and similar works for guidance.

THOMAS ROWLANDSON, ENGRAVER, COURT OF COMMON PLEAS

London, Rudolph Ackermann, 1808.

This beautiful print is part of a series of thirteen, which is collectively titled the *Microcosm of London*. This print features one of London’s busiest courts, the Court of Common Pleas.

Gift of Daniel R. Coquillette.

JOHN KITCHIN, JURISDICTIONS: OR, THE LAWFUL AUTHORITY OF THE COURTS LEET, COURTS BARON, COURT OF MARSHALLSEYS, COURT OF PYPOWDER, AND ANCIENT DEMESNE

London, Printed by T. Roycroft, 1651. An important guide to the minor courts.

Gift of Daniel R. Coquillette.

RICHARD CROMPTON, *L'AUTORITIE ET JURISDICTION DES COURTS DE LA MAIESTIE DE LA ROYNE*

London, Assignes of John More, 1637.

Gift of Daniel R. Coquillette.

LEX LONDINNENSIS OR, THE CITY LAW. SHEWING THE POWERS, CUSTOMS AND PRACTICE OF ALL THE SEVERAL COURTS OF LONDON

London, Printed by S. Roycroft for Henry Twyford, 1680.

Note the unusual (to our eyes) list of courts on the title page, including the Courts of Hustings, Wardmotes, Conscience, and even a Court of Conservary for the River Thames.

Gift of Daniel R. Coquillette.

Second Wall Cabinet (Labeled Cabinet III):

STEP 3: DO LEGAL RESEARCH

After selecting the proper writ to commence the legal action, and choosing the correct court in which to file it, a seventeenth-century lawyer began the all-important task of legal research. Then as now, lawyers consulted a variety of sources. Although today's lawyers find many of their materials online, the content has not changed much over the years. Seventeenth-century lawyers began their legal research in books of annotated statutes, such as Plowden's, and in abridgments, which gathered summaries of cases and arranged them by subject, much as a modern-day digest or Westlaw Topic and Key Number search does. After locating citations to promising cases in an abridgment, lawyers would then read the full text of the cases in the early Year Books or the later nominative reporters, such as Dyer's *Reports*.

SIR JAMES DYER, *LES REPORTS DES DIVERS MATTERS & RESOLUTIONS DES REVEREND JUDGES & SAGES DEL LEY*

London, W. Rawlins and others, 1688.

A magnificent copy of one of the earliest and most influential English law reports, with a superb frontispiece portrait of Dyer.

Gift of Daniel R. Coquillette.

THOMAS IRELAND, *AN EXACT ABRIDGMENT IN ENGLISH OF ALL THE REPORTS OF SIR JAMES DYER, KNIGHT*

London, Printed for Matthew Walbanck, 1651.

This small volume provides access to *Dyer's Reports* by subject, almost exactly as a Digest or a West Topic and Key Number search does today. It is open to a Table which refers readers to specific case summaries in the volume. At the top of the right-hand page is item 428: "By the grant of a Forest the game passeth." A lawyer interested in this subject would turn to item 428 in the text (not shown), which summarizes the case in one paragraph. If the case looked relevant, the lawyer would then turn to Dyer's *Reports* and read the case in full.

Gift of Daniel R. Coquillette.

LEGAL TREATISES

In addition to consulting cases, statutes and the abridgments used to locate them, seventeenth-century lawyers could consult treatises on particular subjects, just as they do today. Here are two important works by William Noy, Attorney General under King Charles I.

WILLIAM NOY, *THE COMPLEAT LAWYER: OR A TREATISE CONCERNING TENURES & ESTATES IN LANDS OF INHERITANCE FOR LIFE*

London, Printed and sold by John Amery, 1674.

This small volume features a handsome frontispiece portrait of Noy.

Gift of Daniel R. Coquillette.

WILLIAM NOY, *A TREATISE OF THE PRINCIPALL GROUNDS AND MAXIMES OF THE LAWES OF THIS KINGDOME*

First edition. London, Printed by R.H., 1641.

This volume is bound in paper wrappers. Booksellers generally sold their books in this form, and buyers, if they could afford it, would then bind the books in leather or cloth to suit their tastes. This book must not have been heavily used; some of its pages have never been cut, as shown here.

Gift of Daniel R. Coquillette.

Cabinet IV:

THE LEGAL CLASSICS

A few early English legal works and authors have formed the basis of English law and influenced centuries of lawyers and legal writers up to the present day: Glanville, Bracton, Britton, Fleta, Horne's *Mirror of Justice* and St. Germain's *Doctor and Student*. Thanks to the generosity of Professor Daniel R. Coquillette, the Boston College Law Library is fortunate to own nearly every significant edition of these works. This collection, one of the relatively few complete sets in the world, permits faculty and students to study the original texts in Latin, Law French and English. Many earlier editions have been exhibited here in recent years. This year, we are delighted to introduce the seventeenth-century editions of these important classics.

Together, these great medieval treatises form the most important expression of the "unwritten" English Constitution. Their subsequent editions played a great part in the ideological struggles that preceded the English Civil War and the American Revolution, and indeed, in almost all fundamental ideological struggles that have confronted the English Commonwealth or America, including the civil rights movement, the debates over abortion, and – most recently – the jurisdiction of federal courts over the detention of terrorists. It should not surprise us, then, that *Bracton* was cited by the Supreme Court in *Roe v. Wade* and invoked in *Rasul v. Bush* and *Al Odah v. United States*.

GLANVILLE

Glanville is a very early English legal treatise originally written in manuscript form in 1180. A copy of Glanville accompanied Governor Winthrop over on the ship *Arabella*. The first settlers brought Glanville and other early English legal works to the New World so they could import the concepts of the rule of law and due process of law to their new land.

The bibliographer J.G. Marvin notes that "Glanville's is the earliest extant treatise in which it was attempted to collect the customs, and practical workings of that

system of jurisprudence, that has since exercised such an influence over the affairs of mankind and now governs half the globe; though it is not without some obligations to the Civil law. With the exception of the *Decretum*, it was the earliest systematic legal treatise that appeared after the dissolution of the Roman Empire."

GLANVILLE, *TRACTATUS DE LEGIBUS & CONSUETUDINIBUS REGNI ANGLIÆ*
Second edition. London, Thomas Wight, 1604.

Gift of Daniel R. Coquillette.

GLANVILLE, *TRACTATUS DE LEGIBUS & CONSUETUDINIBUS REGNI ANGLIÆ*
Third edition. London, J. Streater, H. Twyford, etc., 1673.

Gift of Daniel R. Coquillette.

GLANVILLE, *TRACTATUS DE LEGIBUS & CONSUETUDINIBUS REGNI ANGLIÆ*
Fourth edition. London, J. White, E. Brooke, 1780.

This special copy belonged to the library of Governor Christopher Gore at Gore Place in Waltham, Massachusetts, with Gore's autograph on inside cover.

Gift of Daniel R. Coquillette.

THE REGIAM MAJESTATEM, THE AULD LAWES AND CONSTITUTIONS OF SCOTLAND
First edition. Edinburgh, Printed by Thomas Finlason, 1609. Translated by John Skene.

The fundamental book of Scottish Law, this work is based on Glanville but was adapted for use in Scotland. This magnificent copy features numerous engravings, including those on the pages shown here: the Table of Contents and the first page of the Laws of King Malcolm the Second. It is bound with two separate works: *Ane Short Forme of Proces*, a brief manual of procedure, and *Of Crimes*, and *Judges in Criminall Causes*, a criminal law treatise.

Gift of Daniel R. Coquillette.

Cabinet V:

BRACTON

Originally written around 1230 in manuscript form, Bracton has been published in numerous editions and remains relevant today. With the gifts received this year, the library now owns every early printed edition of Bracton. The Bracton treatise is significant because it sets forth ideas of due process and equal protection, and legitimizes England's legal system and the rule of law. Under the rule of law, even the King or Queen is subject to its force, since it is the law that gave them their power.

Bracton remains vital today. Both sides in *Roe v. Wade* cited to Bracton for its discussion of the fundamental notion of human rights. The treatise is also cited in the terrorist detention cases now before the Supreme Court.

BRACTON, DE LEGIBUS ET CONSUEUDINIBUS ANGLIÆ

Second edition. London, Milonis Flesher & Roberti Young, 1640.

This special copy once belonged to Isaac Parker, Chief Justice of Massachusetts (1814-1830) and the first Professor of the Harvard Law School, as the inaugural holder of the Royall Chair in 1817. The title page is signed "Isaac Parker, 1795."

This copy also features the signature of another former owner, "Josiah Pierce, Jr. Portland. 1851" inside the front cover. Interesting manuscript notes about Bracton (probably by Pierce) are visible on the page opposite the title page.

Gift of Daniel R. Coquillette.

BRACTON, DE LEGIBUS ET CONSUEUDINIBUS ANGLIÆ

6 volumes. Third edition, by Sir Travers Twiss. London, Longman & Co., 1878-1883.

The Twiss edition of *Bracton* is now extremely rare due to suppression, and is largely discredited. Nevertheless, this is the edition quoted by the Supreme Court of the United States in *Roe v. Wade*, 410 U.S. 113, 93 S.Ct. 705 (1973), as shown here in volume 2 of Bracton, in the middle of page 279.

Gift of Daniel R. Coquillette.

Cabinet VI (across the room):

BRITTON

Although the authorship of this ancient work is in dispute, the consensus is that it is essentially an abridgment of Bracton, updated to reflect changes in the law since Bracton's time.

BRITTON

Second Edition, by Edmund Wingate. London, Printed by the Assignes of John Moore, 1640.

Gift of Daniel R. Coquillette.

BRITTON. CONTAINING THE ANTIENT PLEAS OF THE CROWN

Third edition, translated into English and annotated by Robert Kelham. London, Printed by H. Woodfall and W. Strahan, 1762. Exhibited closed.

Gift of Daniel R. Coquillette.

FLETA

"*Fleta*" (so called because the author was confined in the debtors' prison of the Fleet in London) is a summary of English law which adds new developments in statutes and forms of action to the older work of Bracton. The law bibliographer J.G. Marvin explains that "*Fleta*, when written, was a concise account of the whole English law as it then prevailed, with the practice of the Courts, the forms of writs, and the explanation of law terms. Mr. Selden [see Exhibit Case X in this room] first called the public's attention to this ancient treatise, and was instrumental in procuring its publication, to which he prefixed a dissertation, abounding in varied antiquarian learning."

FLETA, SEU COMMENTARIUS JURIS ANGLICANI

First edition. London, M.F. Prostant for G. Lee, M. Walbancke & D. Pakeman, 1647. With notes by John Selden, *Ad Fletam Dissertatio*.

Selden's Dissertation treats largely of the influence of Roman law and its professors in England. This copy features two-color printing on the title page.

Gift of Daniel R. Coquillette.

FLETA, SEU COMMENTARIUS JURIS ANGLICANI
Second edition. London, Printed by S.R.
Prostant for H. Twyford, T. Basset, 1685.
Notes by John Selden, *Ad Fletam Dissertatio*.
Exhibited closed.

Gift of Daniel R. Coquillette.

FLETA, SEU COMMENTARIUS JURIS ANGLICANI
Third edition, by Sir Thomas Clarke. London,
Fletcher Gyles, 1735.

Gift of Daniel R. Coquillette.

Cabinet VII:

MIRROR OF JUSTICES

One of the most mysterious of all the old English texts. It has been described as “that incomprehensible work . . . a legal romance” by Holdsworth, and as an “astonishing book” by Winfield. Much of it has been discredited. However, recent scholarship by David Seipp has established that this was not a “practical joke,” but a kind of legal utopia—a vision of an ideal system. Its purported authorship by a fishmonger named Andrew Horne remains part of the mystery.

LA SOMME APPELLE MIRROIR DES JUSTICES
First edition. London, Printed by E.G. for
Matthew Walbanke and Richard Best, 1642.
Exhibited closed.

Gift of Daniel R. Coquillette.

THE BOOKE CALLED, THE MIRROUR OF JUSTICES: MADE BY ANDREW HORNE
First edition, translated into English by William Hughes. London, Imprinted at London for Matthew Walbancke, 1646. This copy features an original full vellum binding. Exhibited closed.

Gift of Daniel R. Coquillette.

THE MIRROUR OF JUSTICES
Second edition, translated into English by William Hughes. London, Printed for J. Worrall and B. Tovey, 1768. Exhibited closed.

Gift of Daniel R. Coquillette.

THE MIRROUR OF JUSTICES: WRITTEN ORIGINALLY IN THE OLD FRENCH, LONG BEFORE THE CONQUEST

Third edition, translated into English by William Hughes. Manchester, William Willis, 1840. This copy is open to an engraved frontispiece of Alfred the Great.

Gift of Daniel R. Coquillette.

DOCTOR AND STUDENT

The great classic of secular equity jurisprudence – quite literally the link between the spiritual jurisdictions and the Renaissance courts. Of its author, Christopher St. Germain, Edward Coke wrote that “The author was a discreet man, and well read, I assure you, both in the Common Law, and in the Civil and Canon Law also. The *Doctor and Student* is one of the most esteemed of the ancient law books, and has been . . . constantly cited, from the time of Chief Justice Brooke to the present period.”

CHRISTOPHER ST. GERMAN, *DOCTOR AND STUDENT: OR DIALOGUES BETWEEN A DOCTOR OF DIVINITY, AND A STUDENT IN THE LAWS OF ENGLAND*

London, Eliz. Nutt and R. Gosling, 1721.

Gift of Daniel R. Coquillette.

Cabinet VIII:

EARLY ENVIRONMENTAL LAW

These fascinating books document the beginning of environmental law in England. Along with private ownership of land, there were two other ancient forms of land ownership. Forests were owned by the Crown. Each town had a commons, and every free person was entitled to use a share of the common land. In the seventeenth century, people became concerned about protecting the forests and commons from becoming polluted and overexploited.

The commons system still exists in New England. Boston Common is still a true commons, and cannot be walled off for private or commercial use. Cambridge and many other towns also retain commons.

*THE LAW OF COMMONS AND COMMONERS: OR
A TREATISE SHEWING THE ORIGINAL AND
NATURE OF COMMON*

Second (and last) edition. London: In the Savoy, Eliz. Nutt and R. Gosling, 1720.

The library is fortunate to own both editions of this classic work. The second edition (exhibited closed) is nearly identical to the first: there is a Table of Contents, an Index, and various advertisements in addition to the main text. This edition is only 17 pages longer than the first – surely setting a record for brevity in the world of legal publishing.

Gift of Daniel R. Coquillette.

*THE LAW OF COMMONS AND COMMONERS: OR
A TREATISE SHEWING THE ORIGINAL AND
NATURE OF COMMON*

First edition. London, Printed by the Assigns of Richard and Edward Atkins, 1698.

This copy is opened to the title page, and to an advertisement for books available at the bookseller John Walthoe's establishment. In the Preface (not shown), the author makes several points dear to the hearts of those who care about legal research: "I would advise the Student . . . not to take a single Case which he finds in some Reports, for undoubted Law, for such are often mistaken, either in the matter of Law, or the Reason of the Resolution. . . . I must acknowledge I have cited some Cases in two or three several Places, and I think with great Reason, . . . when one Case is branched out into several Points, such sprouting Points ought carefully to be slipt off, and grafted under their proper Titles."

Gift of Daniel R. Coquillette.

JOHN MANWOOD, *A TREATISE OF THE LAWE
OF THE FOREST*

Second edition. London, Printed for the Societie of Stationers, 1615.

A handsome copy of a classic conservation work that was cited by the Supreme Court in *U.S. v. New Mexico*, 438 U.S. 696, 721 (1979). This copy includes an invitation to an 1864 hunt pasted to the front flyleaf (not shown): "Albury, Nov 10th 1864. Sir, The Hounds will meet at Scales Park on Wednesday next, at half past ten o'clock. Please to have put to Alfred Hedges, Huntsman."

The book is opened to Chapter 1, where Manwood begins at the beginning by offering the definition of a forest: "A forest is a certaine Territorie of woddy grounds and fruitfull pastures, priviledged for wild beasts and foules of Forest, Chase and Warren, to rest and abide in, in the safe protection of the King, for his princely delight and pleasure."

Gift of Daniel R. Coquillette.

*A BRIEF DECLARATION FOR WHAT MANNER OF
SPECIAL NUSANCE CONCERNING PRIVATE
DWELLING HOUSES, A MAN MAY HAVE HIS
REMEDY*

Second edition. London, Printed by Tho. Cotes, for William Cooke, 1639.

In this rare work, four famous English justices offer their opinions on nuisance and other topics. The book is opened to the second and third pages, which describe various situations and their legal remedies, including a neighbor who diverts water from a mill, or deprives another's home of water or light, or "casts filth neere" another's home. Even air rights are included: "If one who hath a horrible sicknesse be in my house and will not depart, an action will lye against him, and yet he taketh not any ayre from me, but infecteth that which I have."

Gift of Daniel R. Coquillette.

Cabinet IX:

SEVENTEENTH-CENTURY
POLITICAL WORKS

Among the greatest seventeenth-century political philosophers were four with a special relevance to legal history: Jean Bodin (1530-1596), Richard Hooker (1554-1606), Thomas Hobbes (1588-1679) and John Locke (1632-1704). Shown here are famous editions of the chief works of two of the four men.

RICHARD HOOKER, *OF THE LAWE OF
ECCLESIASTICAL POLITIE*

London, Printed by William Stansbye, 1622.

Hooker's work introduced for the first time the notion of "Original Contract" as the basis of government, and "can thus be

considered the first statement of the principles behind the Constitution of England.” It also contains a discussion of a very timely topic today: the relationship between the state and religion regarding the law of marriage.

This magnificent early edition is in its original vellum binding. This copy contains six of Hooker’s works bound together. Each features a separate ornately engraved title page. The book is opened to the title page of *Certayne Divine Tractates and other Godly Sermons* (London, 1622).

Gift of Daniel R. Coquillette.

THOMAS HOBBES, TRANSLATOR, *HOMER’S ODYSSEY*
London, Printed by J.C. for W. Crook, 1675.

This copy once belonged to John Masefield, O.M., Poet Laureate of England, and it contains his ownership label. This translation of the *Odyssey* is regarded as one of the best in English.

Gift of Daniel R. Coquillette.

THOMAS HOBBES, *LEVIATHAN, OR THE MATTER, FORME, & POWER OF A COMMON-WEALTH*
London, Printed for Andrew Cooke, 1651.

This is the famous “Bear” edition – identical to the exceedingly rare first edition of the same year except for the bear illustration on the title page. This edition was secretly published in Holland and smuggled into England, where it proved quite controversial with members of the left and right wings alike. Totalitarian regimes used *Leviathan* to bolster their claims for legitimacy. Its premise that the interests of the government trump the interest of individuals and individual rights is still being debated today in the wake of 9/11.

This copy is complete with the famous engraved ornamental frontispiece showing a monarch made up of hundreds of tiny people.

Gift of Daniel R. Coquillette.

Flat Wooden Case (Labeled Cabinet X):

EARLY LEGAL HISTORIANS: FORTESCUE AND SELDEN

FORTESCUE

Sir John Fortescue (1394-1476) was the first Englishman to systematically describe the English legal system in his classic *De Laudibus Legum Angliæ*, originally written in Latin about 1470, allegedly for the instruction of the exiled Edward, Prince of Wales. The bibliographer J.G. Marvin describes the work as “a brief and popular historical account of the English law, and displays sentiments upon liberty, and limited government, which one would not expect to find in a writer of this period.”

JOHN FORTESCUE, *DE LAUDIBUS LEGUM ANGLIÆ*

London: In the Savoy, Printed by E. and R. Nutt, 1737. Notes by John Selden.

This beautiful copy features an engraved frontispiece showing Fortescue with Prince Edward in France. The frontispiece reads: “Chancellor Fortescue following King Henry’s Fortune, and attending his Son Edward into France, wrote this Book to recommend the Laws of England to the Esteem and Protection of that Young Prince.” The book is structured as a series of lessons, and begins with a dialog between Fortescue and Prince Edward in which Fortescue convinces Edward of the importance of the English law.

Gift of Daniel R. Coquillette.

SELDEN

John Selden (1584-1654) was the first scientific legal historian, for whom the famous Selden Society is named. The library is fortunate to own early editions of most of the important works by this noted historian.

JOHN SELDEN, *DE IURE NATURALI & GENTIUM*
First edition. London, R. Bishopius, 1640.

This work includes Selden’s most important work on Jewish law. This copy features beautiful two-color printing.

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JOHN SELDEN, *TITLES OF HONOR*
Third edition, with author's additions.
London, Printed for E. Tyler, 1672.

With a magnificent copperplate portrait of Selden, plus woodcuts of seals, crowns and costumes for people at different levels of nobility, this work explains the origin and relative rank of various noble titles, beginning with "King" and "Emperor" and descending from there. In Chapter VII (page 87), Selden explains the use of the royal "we" as a mark of "Greatness," and discusses how that concept is "communicated to Inferiours."

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JOHN SELDEN, *TABLE-TALK, BEING THE DISCOURSES OF JOHN SELDEN, ESQ.; OR HIS SENSE OF VARIOUS MATTERS OF WEIGHT AND HIGH CONSEQUENCE; RELATING ESPECIALLY TO RELIGION AND STATE*
Third edition. London: Printed for Jacob Tonson, 1716.

Organized along the lines of a commonplace book, which features brief entries arranged alphabetically on subjects of the author's choosing, *Table Talk* remains one

of the great legal classics – humorous, original, perceptive. On the subject of "Friends," Selden writes, "Old friends are best. King James us'd to call for his old Shoes, they were easiest for his Feet."

The book is opened to passages on "Money" and "Moral Honesty." On money, Selden notes that "Money makes a Man laugh. A blind Fidler playing to a Company, and playing scurvily, the Company laught at him; his Boy that led him, perceiving it, cry'd *Father, let us be gone, they do nothing but laugh at you. Hold thy Peace, Boy, said the Fidler, we shall have their Money presently, and then we will laugh at them.*"

Selden adopts a more serious tone in his passage on "Moral Honesty," arguing that morality without religion, or religion without morality, is inadequate: "What care I to see a Man run after a Sermon, if he couzens and cheats as soon as he comes home. On the other side Morality must not be without Religion; for if so, it may change, as I see convenience. . . ."

Gift of Daniel R. Coquillette.